

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

JAMES D. BUCHANAN,
Plaintiff,

vs.

No. 18-CV-171-RAW

TURN KEY HEALTH CLINICS,
LLC, et al,
Defendant.

VIDEO DEPOSITION OF
LOYD BICKEL

DATE: JULY 3, 2019

REPORTER: MARISA SPALDING, CSR, RPR

Spalding Reporting Service, Inc.
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1 Q I think you described that it was your idea 12:47
2 really that a private contractor be brought in for
3 providing medical care, correct? 12:47

4 A Correct.

5 Q Why did you want a private contractor brought 12:48
6 in?

7 A I wanted -- excuse me -- I wanted 24-hour 12:48
8 service and I wanted better trained -- medically
9 trained employees from a -- from a medical provider 12:48
10 which would work better for us and the people of that
11 community. 12:48

12 Q So you specifically wanted a 24-hour
13 coverage? 12:48

14 A Yes.

15 Q And that proposal that you saw where it was 12:48
16 20, a second option was given where it was 24?

17 A Correct. 12:48

18 Q Do you recall specifically suggesting 20 is
19 not good enough; I need 24? 12:48

20 A I know -- I know with it -- you know, by
21 looking at that and surmising today is the fact that 12:48
22 they just provided some options to look at, but I
23 remember wanting 24 to do the -- the intake -- the 12:49
24 first intake with the inmate coming into the jail.

25 Q And according to the contract -- or two 12:49

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1 contracts while you were there -- it was 24-hour 12:49

2 coverage, correct?

3 A Correct. 12:49

4 Q And the other contract from March of 2017 in
5 which the coverage dropped, that was after you left, 12:49
6 correct?

7 A Correct. 12:49

8 Q Is there any kind of requirement in the State
9 of Oklahoma Jail Standards, as far as you know, that 12:49
10 there be 24-hour a day medical coverage?

11 A It does not talk about medical coverage. 12:49

12 Q So you were going beyond the jail standards?

13 A Correct. 12:49

14 Q And, in fact, even beyond one of the options
15 that Turn Key provided you? 12:49

16 A Correct.

17 Q You picked the higher option, the better 12:49
18 option?

19 MR. SMOLEN: Objection to the form. 12:49

20 THE WITNESS: Correct.

21 Q (By Mr. Miller) Moreover, I think you 12:49
22 described the training. Is it your understanding that
23 even a -- and an RN is better trained than your 12:50
24 average jail -- jailer detention officer on medical
25 care? 12:50

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1 A Correct. 12:50

2 Q How about even an LPN?

3 MR. SMOLEN: Objection to the form. 12:50

4 Q (By Mr. Miller) Are they better?

5 MR. SMOLEN: It's all speculation. 12:50

6 THE WITNESS: Correct.

7 Q (By Mr. Miller) Are most of your jailers, 12:50

8 are they LPN's or RN's?

9 A No. 12:50

10 Q Do you believe that your jailers are

11 generally entitled to rely on medical opinions of 12:50

12 better trained RN's or LPN's regarding medical care?

13 MR. SMOLEN: Objection to the form. 12:50

14 THE WITNESS: Correct.

15 Q (By Mr. Miller) Was a jailer entitled to 12:50

16 send someone to -- via EMS to emergency care if they

17 thought something was obviously wrong? 12:50

18 A They did.

19 Q Would they even overrule nursing staff if 12:50

20 something was obvious?

21 A That's possible. 12:50

22 MR. SMOLEN: Objection to the form.

23 Q (By Mr. Miller) And you would agree that it 12:50

24 was policy of Muskogee County Jail to provide

25 appropriate medical care, correct? 12:50

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1 A Correct. 12:51

2 Q And to send someone to receive emergency
3 treatment if there was an emergency situation? 12:51

4 A Correct.

5 Q There was some discussion about whether -- 12:51
6 how you were monitoring whether or not Turn Key was
7 there 24 hours a day. Do you have any reason to think 12:51
8 they weren't there 24 hours a day?

9 A No, I don't. 12:51

10 Q As far as you knew, were they there 24 hours
11 a day? 12:51

12 A Yes, they were.

13 Q The contract called for them to be 24 hours a
14 day? 12:51

15 A Correct. 12:51

16 Q If they weren't there 24 hours a day, would
17 they be violating the contract? 12:51

18 A They would.

19 Q Until -- well, have you ever heard that they
20 weren't there 24 hours a day? 12:51

21 A No, I didn't. 12:51

22 Q You were asked about medical director ---
23 whether you knew about a medical director for Turn
24 Key? 12:51

25 MR. SMOLEN: Object to the form. 12:51

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1 Q (By Mr. Miller) Do you know who a medical 12:51
2 director is or was or is that just something you don't
3 know? 12:52

4 A Well, a medical director would be somebody
5 that's over whatever it is they're -- whatever agency 12:52
6 --

7 Q Sure. 12:52

8 A -- or place they worked for.

9 Q If Dr. Cooper testified he was the medical 12:52
10 director, would you have any reason to disagree with
11 him? 12:52

12 A No.

13 MR. SMOLEN: Objection to the form. 12:52

14 Q (By Mr. Miller) You were asked regarding the
15 nursing protocols and whether they were devised and 12:52
16 approved by a physician at Turn Key. Did you ever
17 have any discussions with anyone at Turn Key about 12:52
18 their nursing protocols and who -- who approved or
19 denied them to the best of your memory? 12:52

20 A Well, no, I mean...

21 Q Sure. I want to hit a different topic here. 12:53
22 Who was your assistant jail administrator?

23 A Jeremy Garvin. 12:53

24 Q Was Jeremy Garvin hired by you or was he
25 already there? 12:53

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1 A He was already there. 12:53

2 Q What is your opinion of Mr. Garvin as an
3 assistant jail administrator? 12:53

4 A He was a great, great person to work with.

5 Q You left -- you retired again, right? 12:53

6 A I actually left and went to work for Wagner
7 County and then retired. 12:53

8 Q Okay. Did you leave the Muskogee County Jail
9 voluntarily? 12:53

10 A I did.

11 Q Did you know at the time who was going to
12 replace you as jail administrator? 12:53

13 A I did not. 12:53

14 Q Were you surprised that it was Jeremy Garvin?

15 A No, I was not. 12:53

16 Q Why not?

17 THE COURT REPORTER: Say it -- were you
18 surprised what? 12:53

19 MR. MILLER: That it was Jeremy Garvin. 12:53

20 THE COURT REPORTER: Okay.

21 THE WITNESS: No, I was not. 12:53

22 Q (By Mr. Miller) Why not?

23 A He's just a great guy, qualified, has the
24 ability to -- to take care of that position. 12:53

25 Q And he had been second in command both under 12:53

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1 you and also prior to you? 12:53

2 A Correct.

3 Q Did you ever know Jeremy Garvin to be 12:53
4 untruthful or to -- or to lie about important things?

5 A No. 12:54

6 Q There's been a lot of discussion in this case
7 about a video. 12:54

8 MR. SMOLEN: You mean the one that was
9 destroyed? 12:54

10 MR. MILLER: Is that an objection to the
11 form? 12:54

12 MR. SMOLEN: No, you just said a video
13 as if it existed right now and I just was wondering if 12:54
14 you're talking about the one that was destroyed?

15 Q (By Mr. Miller) There's been discussion in 12:54
16 this case about a video. What was the policy when you
17 were jail administrator regarding downloading a video 12:54
18 from any camera in the facility?

19 MR. SMOLEN: After they received the 12:54
20 litigation hold or before?

21 MR. MILLER: Is that an objection to the 12:54
22 form?

23 MR. SMOLEN: No -- yeah, you need to 12:54
24 clarify if you're asking him about after he received a
25 litigation whether it's before -- 12:54

1 MR. MILLER: Let's do both. 12:54

2 Q (By Mr. Miller) If you haven't received a --
3 if you haven't received a letter, what -- what was the 12:54
4 policy in terms of downloading video? Let's say you
5 haven't received any kind of records preservation 12:54
6 letter?

7 A Well, in reference to what? 12:55

8 Q Well, would there be any circumstances where
9 you would download a video without receiving a records 12:55
10 preservation letter?

11 A We did. 12:55

12 Q Why would that be?

13 A If you -- if you had got an incident report 12:55
14 of some sort and you wanted to -- you read the -- you
15 read the incident report and you wanted to see 12:55
16 whatever occurred, you would -- we would look at it
17 and -- because Jeremy -- Jeremy was the one who was 12:55
18 responsible, basically, for pulling those up for me in
19 his office or my office so I could look at that video 12:55
20 and so could he. And then most of the time, because
21 it perked our interest, we downloaded that DVD. 12:55

22 Q Okay. How about just someone being ill or
23 having some kind of medical issue? Would that usually 12:55
24 make you download a video automatically without
25 receiving a records preservation letter? 12:55

1 A It -- it would have to be something sig -- 12:55
2 significant.

3 Q Okay. How about when you do receive a 12:55
4 records preservation letter? What do you do then?

5 A You download the -- you -- you save it to the 12:56
6 system and then you download the DVD.

7 Q Who was that -- who was usually in charge of 12:56
8 that?

9 A Jeremy. 12:56

10 Q In your time with Jeremy Garvin, did you ever
11 know him to not do that if asked or if a records 12:56
12 preservation letter was received by him?

13 A No, and I don't -- I don't remember what it 12:56
14 was for but he -- I remember him doing that for --
15 downloading for a -- a request. 12:56

16 Q Okay. You don't have any personal knowledge
17 about the receipt of the records preservation letter 12:56
18 in this case, correct?

19 A No. 12:56

20 Q I want to talk a little bit about the video
21 and who can see it. When cameras are there in the -- 12:56
22 cameras are there at the facility. Who has access to
23 watch the cameras? 12:56

24 A To watch the cameras, it would be the two
25 towers. It would be booking. There was a security 12:57

1 office because I had ten full-time certified officers 12:57
2 who worked for me. Jeremy and me --

3 Q Is -- 12:57

4 A -- to the best of my knowledge.

5 Q Is that a live feed, meaning you can watch it 12:57
6 as it's live, happening?

7 A Live feeds. 12:57

8 Q Yes?

9 A Yes. 12:57

10 Q Okay. Who has -- who had the ability during
11 your tenure to go back and watch an older video? 12:57

12 MR. SMOLEN: Objection to the form. You
13 have not defined what older video means. 12:57

14 Q (By Mr. Miller) A video that is not live,
15 from sometime prior to live? 12:57

16 A To the best of my knowledge -- I mean, I -- I
17 think the deputies could but -- but I know Jeremy was 12:57
18 the only other person.

19 Q Okay. Where could you do that? What room? 12:57

20 A Well, when I was there, the -- the full-time
21 deputies had a -- a security office upstairs on the 12:57
22 second floor in Jeremy's office and my office.

23 Q Okay. And when you say full-time deputies, 12:57
24 do you mean certified peace officer deputies?

25 A Yes.

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1 Q I -- for example, could a -- just a detention 12:58
2 officer up in the tower, could they watch an old
3 video, meaning not live? 12:58

4 A No.

5 Q Okay. Did you have the ability to destroy a 12:58
6 video?

7 A No. 12:58

8 Q Do you know whether that was even possible to
9 actually delete a video? 12:58

10 A You -- you couldn't delete a video --

11 Q Okay. 12:58

12 A -- until it rolled over on itself.

13 Q Right. How -- tell me about that process, 12:58
14 how that worked, the rolling over.

15 A What -- whatever the time frame is -- and I 12:58

16 don't recall on that. Whatever that time frame is in
17 that system that records, whether it's 45 days or 12:58

18 whatever it is that it's set in, it's going to roll
19 over and the rest -- everything is gone because it 12:58
20 starts over.

21 Q And you said 45 days or what it's set at. 12:58
22 We've heard testimony from others that it's not a time
23 but rather an amount of footage, which is based on the 12:58
24 amount of movement; is that possible?

25 MR. SMOLEN: Objection to the form. 12:59

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1 THE WITNESS: Yes. 12:59

2 Q (By Mr. Miller) And would you agree that if
3 not affirmatively downloaded, it will roll over itself 12:59
4 at some point?

5 A Correct. 12:59

6 Q So it doesn't take an intentional act to
7 delete it; it will just disappear if not downloaded? 12:59

8 MR. SMOLEN: Object to the form.

9 THE WITNESS: True. 12:59

10 MR. SMOLEN: Are you talking about
11 intentionally not preserving it? 12:59

12 MR. MILLER: The question has been
13 answered. 12:59

14 MR. SMOLEN: Are you asking him if he
15 knows that if someone intentionally does not download 12:59
16 the video, that over time it will then be erased
17 because they allow it to continue to run? 12:59

18 MR. MILLER: You can ask on --

19 MR. SMOLEN: I just -- is that the 12:59
20 question you asked him because I just -- I couldn't
21 tell. 12:59

22 MR. MILLER: Sure. He doesn't like me.

23 MR. SMOLEN: It's not that I don't like 12:59
24 you. It's just that I think that sometimes you waste
25 people's time. 12:59